

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JASON TERRY : CIVIL ACTION
:
v. :
:
SUNTRUST BANK, et al. : NO. 12-6341

ORDER

AND NOW, this 31st day of October, 2014, upon consideration of the defendant SunTrust Bank's Motion to Dismiss for Lack of Jurisdiction or, in the Alternative, to Extend Time to Respond to Motion to Confirm Arbitration Award or, in the Alternative, to Stay Proceedings (Docket No. 9), IT IS HEREBY ORDERED that the defendant's motion is GRANTED IN PART and DENIED IN PART.

The Court notes that no opposition to the motion was filed.¹ The Federal Arbitration Act ("FAA") provides that "[n]otice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within

¹ The plaintiff did file a letter with the Court on October 7, 2014, arguing that because the defendant did not file an opposition to the plaintiff's Motion to Confirm Arbitration Award (Docket No. 7) within fourteen days of the filing of that motion, the plaintiff's motion should have been deemed uncontested. Under Fed. R. Civ. P. 5(b)(2) and 6(d), a party has three additional days to respond when a motion is served electronically and by mail. The certificate of service for the plaintiff's motion states that the motion was "served on counsel for the Defendants, via ecf and regular mail." The defendant therefore had seventeen days to respond to the plaintiff's motion, not fourteen.

three months after the award is filed or delivered.” 9 U.S.C. § 12. On September 18, 2014, a panel of arbitrators filed and delivered an arbitration award in favor of the plaintiff (the “Award”). The deadline to file such a motion in this case is therefore December 18, 2014.

The plaintiff, Jason Eugene Terry, filed a Motion to Confirm Arbitration Award (Docket No. 7) on September 22, 2014. Because the defendant has until December 18, 2014, to file a motion to vacate, modify, or correct the Award, the Court will extend the deadline within which the defendants may file an opposition in response to the plaintiff’s motion until December 18, 2014. Because the Court grants this extension, the defendant’s motion to stay proceedings is DENIED as moot.

The Court DENIES the motion to dismiss for lack of personal jurisdiction without prejudice. The defendant may raise this argument in its opposition to the plaintiff’s motion.

BY THE COURT:

/s/Mary A. McLaughlin
MARY A. McLAUGHLIN, J.